

BOARD OF APPEALS CASE NO. 5255

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BEFORE THE

APPLICANTS: Jim Zorzi & Kevin Kapinos

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an addition
within the required side yard setback;
209 Bucket Post Court, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/24/02 & 5/1/02

HEARING DATE: June 12, 2002

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Record: 4/26/02 & 5/3/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Jim Zorzi and Kevin Kapinos, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the required 30 foot total side yard setback (27 feet proposed), in an R2/Urban Residential District.

The subject parcel is located at 209 Bucket Post Court within the Harford Woods subdivision, and is more particularly identified on Tax Map 49, Grid IC, Parcel 0829, Lot 13. The parcel consists of 0.28± acres and is zoned R2IUrban Residential.

Before the Hearing Examiner appeared Wendy Zorzi, who stated that she is the wife of the Applicant, Jim Zorzi, and that she resides on the subject property. She and her husband want to construct a garage with 2 bedrooms on the second floor. The footprint of the addition is 14 feet by 28 feet. The witness described her parcel as narrow and long. She stated her house is on a cul-de-sac and that the lots on cul-de-sacs are long and narrow compared to other lots which are much wider. Garages are commonly found in her neighborhood and she proposes a one-car garage slightly longer than normal to accommodate the added bedroom space above. The addition will match the existing house in appearance and will allow additional room for storage and a growing family. The witness stated that she had spoken to her neighbors and no one was opposed to her request. If she is unable to build this addition, she would lose much needed additional living and storage space commonly enjoyed by other homeowners in her neighborhood.

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The Department of Planning and Zoning recommends approval of the request, finding that the location proposed is the most practical. After construction, the total side yard setback will only be reduced 3 feet below the required combined 30 feet for both side yards, but neither will be less than the side yard setback requirement of 10 feet. One side of the house will have a 10 foot setback and the other will have a 17 foot setback.

There were no persons who appeared in opposition to this request.

CONCLUSION:

The Applicants, Jim Zorzi and Kevin Kapinos, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an addition within the required 30 foot total side yard setback (27 feet proposed) in an R2/Urban Residential District.

The Harford County Code, pursuant to 267-11, permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner finds that there are unique circumstances associated with this parcel. Unlike other lots in the neighborhood, this is a cul-de-sac lot and is long and narrow, limiting any construction to the sides of the house. Other houses have one or two car garages. Proposed is the minimum one car garage and neither of the side yard setbacks will be less than the required minimum of 10 feet, although the total of 30 feet will be reduced to 27 feet. The garage and bedroom addition will not result in any adverse impacts to neighboring properties and will not impair the purposes of the Code.

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The Hearing Examiner recommends approval of the request, subject to the Applicants obtaining any and all necessary permits and inspections.

Date JULY 8, 2002

**William F. Casey
Zoning Hearing Examiner**